

Appl. No. 09/823,999
Amendment Dated September 15, 2005
Reply to Office Action of March 15, 2005

Remarks

Claims 1 – 51 are pending in the application. Claims 1 – 9 and 43 – 51 have been withdrawn from consideration. Claims 10 – 42 have been rejected. Claims 10 – 42 have been amended by the response. Claims 10 – 42 remain in the application and are presented for reconsideration.

The Examiner objected to claims 23 – 36 and 38 – 41 due to a numbering problem with the originally submitted claims. Appropriate corrections have been made to overcome this objection.

The Examiner rejected claims 10 – 22, 24 – 32, 34 and 37 – 40 under 35 USC § 102(c) as being anticipated by *Tavor, et al.* (U.S. 6,070,149). This rejection is respectfully traversed.

The Examiner stated that *Tavor* teaches all the limitations of claims 10 – 15, 16 – 22, 24 – 32, 34 and 37 – 40. The Examiner stated that *Tavor* discloses a system and method for enabling shoppers to connect to a web-based shopping system to interact with a sales representative system for providing sales guidance and interaction with a sales representative during a shopping session (e.g., live or human persona generated by the system), citing the Abstract; Fig. 1 (22, 24, 26, 28); and Col. 1, l. 5 – Col. 2, l. 64.

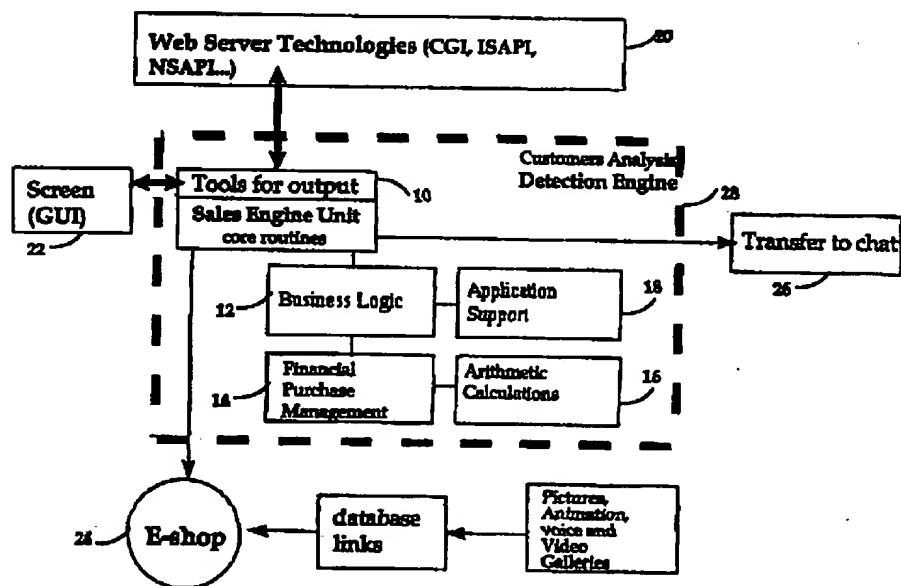
Tavor describes a virtual sales representative for interacting with a customer browsing a virtual store website. The virtual sales representative can ask questions and receive answers from the customer. The virtual sales representative can be programmed to guide the sales transaction in order to promote certain products, or in order to more easily provide a customer with the desired product. This guidance is provided through software modules that are capable of

intelligent interaction with the customer (Col. 3, ll. 5 – 16). *Tavor* teaches that the system accompanies the customer from the initial stage of requesting an Internet sales representative through the stages of determining the needs of the customer, guiding the customer to the desired products while maintaining a product and market advisory, and generally suggesting or recommending, and discussing or commenting with regard to the product through the purchasing process. The system follows a line of reasoning in order to sell to the end user (Col. 3, ll. 31 – 38). The system taught by *Tavor* features a "detection engine" mechanism to recognize characteristics of the user and to modify the session from user to user according to the individual (Col. 3, ll. 42 – 44). Following a signal from the detection engine, or following a request from the user, the system can change the session from the logic-based system to a chat mode with a "live" human sales representative whenever and if one is available (col. 3, ll. 50 – 54).

Fig. 1 of *Tavor*, reproduced below, depicts the general architecture of the virtual sales representative system. Block 10 of the system shows the sale engine unit core routines. Block 12 is a business logic module for controlling the departments and business strategies. Block 14 shows the financial purchase management system. Block 16 includes various arithmetical functions such as the arithmetic parser. Block 18 shows the application support module, including the generation of sales comments, department messages, and multimedia output. Block 20 is the module providing the web-server technologies. Block 22 is the graphical user interface platform for interaction with the user. Block 24 is the E-Shop and includes links with various modules required for the interaction of the virtual sales representative and the user. Block 26 is a software module providing the option to transfer the interaction to "chat mode"

with the user. Block 28 is the detection engine (Col. 5, ll. 25 – 44). Inside the sales engine unit 10 are global functions for processing the rule base, such that the answer of the user is analyzed according to the rule base of the E-Shop, and to determine if another question is to be asked or if a type of a product can be recommended to the user.

FIG 1 - Sales Engine - General Architecture



Claim 10 has been amended to recite the steps of disposing at least one video camera in the display area to scan the items of merchandise and directing the at least one camera to dynamically display a plurality of images of the items selected by the sales assistant. There is no teaching in *Tavor* of placing a video camera in a display area to scan items of merchandise or to dynamically control the display of images of items of merchandise selected by the sales assistant by directing the at least one camera. Therefore, claim 10, as amended, is clearly not anticipated by *Tavor*. The interaction between the shopper and the virtual sales assistant taught by *Tavor* is

based entirely on pre-scripted rules and questions to be asked. Claims 11 – 13 depend either directly or indirectly from claim 10 and are not anticipated for the at least the same reasons that claim 10 is not anticipated by *Tavor*.

Claim 14 has been amended to recite the steps of disposing at least one video camera in the display area to display the items of merchandise, and remotely controlling the at least one camera to dynamically view the plurality of images of the selected items. As described above, and as shown in Fig. 1 of *Tavor*, *Tavor* does not teach or suggest disposing a video camera in the display area to display items of merchandise and does not teach or suggest remotely controlling the camera to dynamically view the plurality of images of the selected items. Therefore, claim 14 is clearly not anticipated by *Tavor*.

Claim 15 has been amended to recite the steps of disposing at least one video camera in the display area to display the items of merchandise and remotely displaying the items of merchandise in a retail setting using the at least one camera and the communications network. Neither of these steps is taught or suggested by *Tavor*. Therefore, claim 15 is not anticipated by *Tavor*.

Claim 16 has been amended to recite the steps of disposing at least one video camera in the display area to scan the items of merchandise, and dynamically altering a plurality of views of the merchandise by remote control of the at least one camera by the user. Neither of these steps is taught or suggested by *Tavor*. Therefore, claim 16 is not anticipated by *Tavor*.

Claims 17 – 25 depend, either directly or indirectly, from claim 16 and are not anticipated by *Tavor* for at least the reasons that claim 16 is not anticipated.

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Claim 26 has been amended to recite the steps of disposing at least one video camera in the display area to scan the items of merchandise, and interactively sharing information and video camera-scanned images on selected items of merchandise between a sales assistant and the user over the communications network. Neither of these steps is taught or suggested by *Tavor*. Therefore, claim 26 is not anticipated by *Tavor*. Claim 27 depends from claim 26 and is not anticipated by *Tavor* for at least the reasons that claim 26 is not anticipated.

Claim 28 has been amended to recite the steps of disposing at least one video camera in the display area to scan the items of merchandise, and dynamically displaying video camera-scanned images of selected items of merchandise to the user based on the user's objectives. Neither of these steps is taught or suggested by *Tavor*. Therefore, claim 28 is not anticipated by *Tavor*. Claims 29 – 42 depend, either directly or indirectly, from claim 28 and are not anticipated by *Tavor* for at least the reasons that claim 28 is not anticipated.

The Examiner rejected claims 23, 41 and 42 under 35 U.S.C. § 103(a) as being unpatentable over *Tavor* (U.S. 6,070,149) in view of Official Notice taken by the Examiner that it is old and well known in the arts for retail merchants or online merchants to provide shipping modes and delivery dates to customers to meet their needs. This rejection is respectfully traversed. Claim 23 depends indirectly from claim 16 and claims 41-42 depend indirectly from claim 28. Applicants incorporate by reference their remarks made above with respect to claims 16 and 28. *Tavor* does not teach disposing at least one video camera in the display area to scan items of merchandise or dynamically displaying the items selected for remote viewing by the user or remotely controlling the at least one camera by the user. Therefore, claims 23 and 41-42 are

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not obvious over *Tavor* and the Official Notice taken by the Examiner since there is no teaching or suggestion in this combination of a video camera disposed in a display area of a retail store or remote control of the camera to alter dynamically the views of the merchandise selected.

The Examiner rejected claim 33 under 35 U.S.C. § 103(a) as being unpatentable over *Tavor* (U.S. 6,070,149) in view of Official Notice taken by the Examiner that it is old and well known in the art for merchants to change a product's price as available inventory increases or decreases. This rejection is respectfully traversed. Claim 33 depends from claim 28. Applicants incorporate by reference their remarks made above with respect to claim 28 and the teachings of *Tavor*. As noted above, *Tavor* does not teach disposing at least one video camera in the display area to scan items of merchandise or dynamically displaying the video camera-scanned images of selected items of merchandise based on the user's objectives. Neither *Tavor* nor the Official Notice taken by the Examiner teaches or suggests the disposition of a video camera in a display area. Therefore, claim 33 is patentable over the combination of *Tavor* and the Official Notice taken by the Examiner.

The Examiner rejected claims 35 and 36 under 35 U.S.C. § 103(a) as being patentable over *Tavor* (U.S. 6,070,149) in view of Business Wire (PTO-892, Item: U). This rejection is respectfully traversed. The Examiner stated that the Business Wire article teaches videoconferencing online and multi-party video chat to provide consumers and business with high quality videoconferencing. Claims 35 – 36 depend, either directly or indirectly, from claim 28. Applicants incorporate by reference their remarks made with respect to claim 28. Claim 28 includes the steps of disposing at least one video camera in the display area to scan the items of

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merchandise and dynamically displaying video camera-scanned images of selected items of merchandise to the user based on the user's objectives. In addition, it should be noted that *Tavor* actually teaches away from the use of a human sales representative for the reason that such a solution would be difficult and expensive to implement. (Col. 1, ll. 50-58). Further, *Tavor* teaches that the virtual sales representative should be accessible through the Internet or some other electronic connection with which a potential customer can communicate through interactions with a graphical user interface such as a web browser. There is no teaching or suggestion of disposing a video camera in the display area of a retail store in the system of *Tavor* or the Business Wire article. Therefore, claims 35-36 are patentable over *Tavor* in view of Business Wire.

In view of the above, it is submitted that the objection and rejections of the Examiner have been properly addressed and the pending claims are in condition for allowance. Such action at an early date is earnestly solicited. It is also requested that the Examiner contact Applicants' attorney at the telephone number listed below should this response not be deemed to place this application in condition for allowance.

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Respectfully submitted,



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